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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,199	12/15/2003	Hee-Dong Kim	053933-5061	4801
9629	7590	09/20/2004	EXAMINER	
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			DINH, JACK	
			ART UNIT	PAPER NUMBER
			2873	

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/734,199	Applicant(s) KA KIM ET AL.	
	Examiner Jack Dinh	Art Unit 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/15/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1203</u> . | 6) <input checked="" type="checkbox"/> Other: <u>DETAILED ACTION</u> . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1 and 4-6 are rejected under 35 U.S.C. 102(b) as being unpatentable by Nishi (US Patent Publication 2002/0034149).

(a) Regarding claim 1, Nishi (figure 1) is interpreted as disclosing an achromatic prism **101** comprising a prism **102** made of a flint glass, onto which two or more light beams having different wavelengths are incident, a prism **103** made of a crown glass, from which the light beams incident onto the prism made of a flint glass are emitted, wherein a front end surface of the prism made of a flint glass serves as a light incidence plane, a contact plane of the prism made of a flint glass and the prism made of a crown glass serves as a light refraction plane, a rear end surface of the prism made of a crown glass serves as a light emission plane, and the light beams having different wavelengths incident onto the front end surface of the prism made of a flint glass are refracted so that optical axes of the light beams coincide, and are then emitted from the rear end surface of the prism made of a crown glass (paragraph 0005 and 0006).

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(b) Regarding claim 4, Nishi (figure 2) is interpreted as disclosing an optical pickup device **104** comprising a light emitting element **105** for emitting two or more light beams having different wavelengths, an objective lens **111** for converging the light beams emitted from the light emitting element onto an optical disk **116**, a light receiving element **114** for receiving light beams reflected by the optical disk, a beam splitter **108** installed at an optical route between the light emitting element and the objective lens, and an achromatic prism **101** installed at an optical route between the light emitting element and the beam splitter.

(c) Regarding claim 5, Nishi (figure 1) is interpreted as further disclosing an achromatic prism **101** comprising a prism **102** made of a flint glass, onto which two or more light beams having different wavelengths are incident, a prism **103** made of a crown glass, from which the light beams incident onto the prism made of a flint glass are emitted, wherein a front end surface of the prism made of a flint glass serves as a light incidence plane, a contact plane of the prism made of a flint glass and the prism made of a crown glass serves as a light refraction plane, a rear end surface of the prism made of a crown glass serves as a light emission plane, and the light beams having different wavelengths incident onto the front end surface of the prism made of a flint glass are refracted so that optical axes of the light beams coincide, and are then emitted from the rear end surface of the prism made of a crown glass (paragraph 0005 and 0006).

(d) Regarding claim 6, Nishi (figure 2) is interpreted as further disclosing a conventional flat beam splitter **108**.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2, 3 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishi (US Patent Publication 2002/0034149).

(a) Regarding claim 2, Nishi (figure 2) is interpreted as disclosing a light emitting element module comprising a light emitting element **105** for emitting two or more light beams having different wavelengths, and an achromatic prism **101** installed in front of the light emitting element. Nishi discloses all the claimed limitations except for a holder for holding the light emitting element and the achromatic prism so that the light emitting element and the achromatic prism are combined into a single package. However, the Applicant has not disclosed that such holder would provide any unexpected results over the configuration of the prior art. In addition, such modification would be obvious to one of ordinary skilled in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time that the invention was made to provide such holder, for the purpose of keeping the relative angle between the light emitting element and the prism unchanged, or reducing the overall number of components throughout the module.

(b) Regarding claim 3, Nishi (figure 1) is interpreted as further disclosing an achromatic prism 101 comprising a prism 102 made of a flint glass, onto which two or more light beams having different wavelengths are incident, a prism 103 made of a crown glass, from which the light beams incident onto the prism made of a flint glass are emitted, wherein a front end surface of the prism made of a flint glass serves as a light incidence plane, a contact plane of the prism made of a flint glass and the prism made of a crown glass serves as a light refraction plane, a rear end surface of the prism made of a crown glass serves as a light emission plane, and the light beams having different wavelengths incident onto the front end surface of the prism made of a flint glass are refracted so that optical axes of the light beams coincide, and are then emitted from the rear end surface of the prism made of a crown glass (paragraph 0005 and 0006).

(c) Regarding claim 7, Nishi (figure 2) is interpreted as disclosing a light emitting element module comprising a light emitting element 105 for emitting two or more light beams having different wavelengths, and an achromatic prism 101 installed in front of the light emitting element, an objective lens 111 for converging the light beams emitted from the light emitting element onto an optical disk 116, a light receiving element 114 for receiving light beams reflected by the optical disk, a beam splitter 108 installed at an optical route between the light emitting element and the objective lens. Nishi discloses all the claimed limitations except for a holder for holding the light emitting element and the achromatic prism so that the light emitting element and the achromatic prism are combined into a single package. However, the Applicant has not disclosed that such holder would provide any unexpected results over the configuration of the prior art. In addition, such modification would be obvious to one of ordinary skill in the

art. Therefore, it would have been obvious to one having ordinary skill in the art at the time that the invention was made to provide such holder, for the purpose of keeping the relative angle between the light emitting element and the prism unchanged, or reducing the overall number of components throughout the module.

(d) Regarding claim 8, Nishi (figure 1) is interpreted as further disclosing an achromatic prism 101 comprising a prism 102 made of a flint glass, onto which two or more light beams having different wavelengths are incident, a prism 103 made of a crown glass, from which the light beams incident onto the prism made of a flint glass are emitted, wherein a front end surface of the prism made of a flint glass serves as a light incidence plane, a contact plane of the prism made of a flint glass and the prism made of a crown glass serves as a light refraction plane, a rear end surface of the prism made of a crown glass serves as a light emission plane, and the light beams having different wavelengths incident onto the front end surface of the prism made of a flint glass are refracted so that optical axes of the light beams coincide, and are then emitted from the rear end surface of the prism made of a crown glass (paragraph 0005 and 0006).

(e) Regarding claim 9, Nishi (figure 2) is interpreted as further disclosing a conventional flat beam splitter 108.

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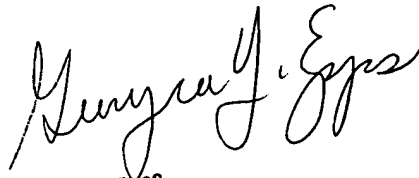
Other Information/Remarks

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Dinh whose telephone number is 571-272-2327. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y Epps can be reached on 571-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jack Dinh


Georgia Epps
Supervisory Patent Examiner
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